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MR. JUSTICE MELVIN

Just before going to press came the sad news of the death of Mr. Justice Henry A. Melvin of the Supreme Court of the State of California. There is not the opportunity at present to dwell on his judicial characteristics, the independence displayed in his opinions, the courtesy and fairness with which the opinions were expressed, the wit and learning which will preserve his memory in the judicial records of the state.

He was a graduate of the University of California who attained high distinction. Graduates of the School of Jurisprudence will recall his brilliant lecture on "Cross-examination" and the informal talks before student gatherings. No man was more generous in responding to calls for the general good. In all the relations and activities of his busy life he gave the same full and unselfish service. His was a personality that radiated good-fellowship and sympathy. There was no sting of malice in his wit. The untimely passing of a distinguished judge is a public loss. With Judge

Melvin there is added the personal sorrow that comes from the death of a lovable man.

LEGAL AID AND LEGAL AID SOCIETIES

It is a proud boast of the lawyer in the United States that every man is equal before the law. The Constitution so provides. Could anything more be asked? It is this complacent satisfaction in the written rule that has been satirized by a distinguished French writer in the observation that the rich and poor are equal before the law: the rich man has the same privilege of sleeping on the benches in the park as the poor man. A change is coming over American lawyers; they are looking away from the abstract rule to see how it works in practice. Of what value to a man is the rule of law in his favor if he cannot pay the expenses of enforcing it? Few people believe that economic and social equality can be achieved overnight. This much, however, can be accomplished: If a man has a legal right, the court should enforce it, irrespective of his poverty. The state has failed in its duty, and the signs of an awakened public conscience are manifested in the growth of legal aid societies, usually founded and supported by private contributions. There is a growing recognition of the public necessity for liberal support of such institutions as the Legal Aid Society of San Francisco. Most significant of all is the action of the American Bar Association. In place of the exclusive consideration of partnership, bills of lading and other technical legal matters, the association has put in the forefront of its program legal aid and legal aid societies and the consideration of the report of the Carnegie Foundation on "Justice and the Poor," by Reginald Heber Smith.

Comment on Recent Cases

ADMINISTRATIVE LAW: THE FEDERAL TRADE COMMISSION: CONSTITUTIONALITY OF ITS INVESTIGATORY POWERS.—Where the Federal Trade Commission, at the instance of the Navy Department, essayed to investigate the cost of producing a patented product, the manufacture of which involved the use of certain trade secrets, and to that end directed the corporate manufacturer to allow investigators "full access" to its books and records, it was held in *United States v. Basic Products Company*¹ that the manufacturer rightfully refused to comply with the demand. The holding rests upon two theories: first, that manufacture is not interstate or foreign commerce,² within which fields the jurisdiction

¹ (Dist., W. Dist. Pa., Sept 9, 1919) 260 Fed. 472, a case arising out of the Commission's application for mandamus to enforce its order.

² Following *Hammer v. Dagenhart* (1918) 247 U. S. 251, 62 L. Ed. 1161, 38 Sup. Ct. Rep. 529, Ann. Cas. 1918E 724. On the doctrine of this case see William Carey Jones, *The Child Labor Decsion*, 6 California Law Review, 395.